BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF HAWAII

In the Matter of the Application of)

ROBERT TAYLOR HORN, dba MOBY DIVERS

DOCKET NO. 02-0149

For a Motor Carrier Certificate or)
Permit.

DECISION AND ORDER NO. 19537

Filed August 26, 2002

At <u>8.00</u> o'clock A .M.

Chief Clerk of the commission

ATTEST: A True Copy KAREN HIGASHI

Chief Clerk, Public Utilities Commission, State of Hawaii.

ommission, State of Hawaii

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DECISION AND ORDER

I.

application Ву an filed on June 7, 2002, ROBERT TAYLOR HORN, dba MOBY DIVERS (Applicant), requests a certificate of public convenience and necessity to operate as a common carrier of passengers by motor vehicle over irregular routes on the island of Maui in the 8-to-25 passenger classification, limited to serving the area extending from Ahihi Bay in South Maui to Old Airport Beach in West Maui. The application is made pursuant to Hawaii Revised Statutes (HRS) § 271-12.

Applicant served copies of the application on the Hawaii Transportation Association, which consists of carriers that may be affected by Applicant's proposed service, and on the Division of Consumer Advocacy, Department of Commerce and Consumer Affairs (Consumer Advocate). The Consumer Advocate did not participate in this proceeding, and no persons moved to intervene in this docket.

Based upon our review of the record, we find that Applicant is fit, willing, and able to properly perform the proposed service, and to conform to HRS chapter 271 and the requirements and rules of the commission. We also find that the proposed service is required by the present and future public convenience and necessity. Accordingly, we conclude that Applicant's request for operating authority, as set forth in the application, should be granted.

III.

THE COMMISSION ORDERS:

- 1. Applicant is granted a certificate to operate as a common carrier of passengers by motor vehicle over irregular routes on the island of Maui in the 8-to-25 passenger classification, limited to serving the area extending from Ahihi Bay in South Maui to Old Airport Beach in West Maui.
- 2. Applicant shall comply with all of the commission's requirements for common carriers by motor vehicle including, but not limited to, paying a fee of \$20 for motor carrier gross revenues, filing the appropriate insurance documents, registering and marking the appropriate motor vehicles, and complying with the safety requirements of the Motor Vehicle Safety Office, Department of Transportation, State of Hawaii.
- 3. Applicant shall comply with the foregoing requirements within 120 days after service of this decision and order. Failure to comply within the time specified constitutes cause for this commission to void this decision and order.

4. Applicant shall not commence operations under this decision and order until he has received written confirmation from the commission that all requirements have been met.

DONE at Honolulu, Hawaii this 26th day of August, 2002.

PUBLIC UTILITIES COMMISSION OF THE STATE OF HAWAII

By Mayne H. Kimura, Chairman

Janet E. Kawelo, Commissioner

APPROVED AS TO FORM:

Benedyne S. Stone Commission Counsel

02-0149.sl

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing <u>Decision and Order No.19537</u> upon the following parties, by causing a copy hereof to be mailed, postage prepaid, and properly addressed to each such party.

DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS DIVISION OF CONSUMER ADVOCACY P. O. Box 541 Honolulu, HI 96809

ROBERT TAYLOR HORN, dba MOBY DIVERS 261 Liliuokalani Street Pukalani, HI 96768

Catherine Sakato

DATED: August 26, 2002